

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 10-87(DSD/AJB)

Loner Blue, a/k/a Scott
Glenn Kendall,

Petitioner,

v.

ORDER

Joan Fabian, Commissioner of
Corrections, Jessica Symmes,
MCF-OPH Warden,

Respondents.

This matter is before the court upon the December 8, 2010, report and recommendation of Chief Magistrate Judge Arthur J. Boylan. In his report, the magistrate judge recommends denial of the pro se application for a writ of habeas corpus by petitioner Loner Blue a/k/a Scott Glenn Kendall.

A party may file written objections to a report and recommendation within 14 days. Petitioner did not do so. Instead, petitioner sent a letter requesting copies of papers filed by respondents. In the interest of justice, the court construes the request as an objection and reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b). After a de novo review of the report and recommendation, the court finds that the report and recommendation is well reasoned and correctly disposes of the application. Accordingly, **IT IS HEREBY ORDERED** that:

1. The court adopts the report and recommendation [ECF No. 13] in its entirety;

2. The application for a writ of habeas corpus [ECF No. 1] is denied;

3. This action is dismissed without prejudice; and

4. Pursuant to 28 U.S.C. § 2253(c)(1)(A), the court denies a certificate of appealability in this case.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 11, 2011

s/David S. Doty
David S. Doty, Judge
United States District Court